

Atty. Dkt. No. 035451-0196 (3574.Palm.Con1)
f/k/a 035451-0109A

REMARKS

Applicant respectfully requests entry of the foregoing events under 37 C.F.R. § 1.116. Applicant believes that entry of the foregoing amendments would place this application in condition for allowance. Thus, entry of the foregoing amendments and favorable reconsideration of the present application is respectfully requested. Because this response is being submitted within two (2) months of the mailing date of the Office Action, a prompt Advisory Action is requested in the event that this reply is not found to place the present application in condition for allowance.

Claims 1-30 are currently pending in the application.

Claims 1, 15, and 27 are requested to be amended. No new matter is added.

A detailed listing of all claims that are in the application is presented above, with an appropriate status identifier for each.

Claim Rejections – 35 U.S.C. § 102**a. Rejection of claims 1-9, 11-24, and 26-30 based on Kwon**

In section 3 of the Office Action, claims 1-9, 11-24, and 26-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kwon (U.S. Published Patent Application No. 2004/0203513). Applicants respectfully traverse these rejections. Applicants submit that Kwon is unavailable as a prior art reference under 35 U.S.C. § 102(e) against claims 1-9, 11-24, and 26-30 of the present application.

The present application was filed on December 9, 2003 and is a continuation of U.S. Application No. 09/778,400, filed on February 7, 2001. Applicants direct the Examiner to paragraph [0001] of the present application for a confirmation of this claim for priority under 35 U.S.C. § 120. Accordingly, the present application has an effective filing date of February 7,

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2001.¹ Kwon has an international filing date of April 24, 2001. While Kwon claims priority to foreign applications dated May 1, 2000 and Aug. 26, 2000, Kwon is not entitled to either of these foreign priority dates as a prior art reference for purposes of 35 U.S.C 102(e). See Manual of Patent Examining Procedure § 706.02 (f)(1). As such, the earliest date Kwon is entitled to as a prior art reference for purposes of 35 U.S.C 102(e) is April 24, 2001, which is later than the effective filing date of February 7, 2001 of the present application.

Accordingly, Applicants submit that Kwon is unavailable as a prior art reference under 35 U.S.C. § 102(e) against claims 1-9, 11-24, and 26-30 of the present application, and Applicants request that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn.

b. Rejection of claims 1-30 based on Chung et al.

In section 4 of the Office Action, claims 1-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Chung et al. (U.S. Patent No. 6,825,832). Each specific rejection is addressed below.

i. Claims 1-14

With regard to claim 1, Applicant respectfully submits that Chung et al. fails to disclose all of the elements of claim 1 as combined therein. Specifically, claim 1 has been amended to recite "a hinge coupled between the first platform and the second platform, the hinge allowing movement of the second platform from a first position to a second position, wherein the first platform is within the periphery when the second platform is in the first and second positions." Applicant directs the Examiner's attention to, for example, paragraph [0024] and FIGS. 1 and 2 of the current application where an example of this functionality is described and shown. Applicants submit that no new matter has been added. Chung et al. fails to explicitly or implicitly teach, disclose, or suggest "a hinge coupled between the first platform and the second

¹ Applicants also note that a declaration by the inventor of the subject matter recited in claims 1, 15, and 27 and pursuant to 37 C.F.R. § 1.131 was provided with applicants previous reply. The declaration established that the subject matter recited in claims 1, 15, and 27 was conceived at least by December 18, 2000.

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platform, the hinge allowing movement of the second platform from a first position to a second position, wherein the first platform is within the periphery when the second platform is in the first and second positions” as included in the combination of elements of claim 1. Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Chung et al. be withdrawn. Additionally, claims 1-14 depend from claim 1 and are thus patentable over Chung et al. for at least the same reasons as claim 1, and Applicant further requests that the rejection of these claims under 35 U.S.C. § 102(e) as being anticipated by Chung et al. be withdrawn as well.

ii. Claims 15-26

With regard to claim 15, Applicant respectfully submits that Chung et al. fails to disclose all of the steps of claim 15 as combined therein. Specifically, claim 15 has been amended to recite “rotating a platform, supporting a second subset of keys of the set of keys, about a hinge supported by the support area, to expose the set of keys to a user, the platform being configured such that when the set of keys is not exposed to the user, the platform and the support area are within an outer periphery of the housing, and such that the support area remains substantially fixed within the outer periphery when the set of keys is exposed to the user.” Applicant directs the Examiner’s attention to, for example, paragraph [0024] and FIGS. 1 and 2 of the current application where an example of this functionality is described and shown. Applicants submit that no new matter has been added. Chung et al. fails to explicitly or implicitly teach, disclose, or suggest “rotating a platform, supporting a second subset of keys of the set of keys, about a hinge supported by the support area, to expose the set of keys to a user, the platform being configured such that when the set of keys is not exposed to the user, the platform and the support area are within an outer periphery of the housing, and such that the support area remains substantially fixed within the outer periphery when the set of keys is exposed to the user” as included in the combination of steps of claim 15. Accordingly, Applicant requests that the rejection of claim 15 under 35 U.S.C. § 102(e) as being anticipated by Chung et al. be withdrawn. Additionally, claims 16-26 depend from claim 15 and are thus patentable over Chung et al. for at least the same reasons as claim 15, and Applicant further requests that the

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rejection of these claims under 35 U.S.C. § 102(e) as being anticipated by Chung et al. be withdrawn as well.

iii. Claims 27-30

With regard to claim 27, Applicant respectfully submits that Chung et al. fails to disclose all of the elements of claim 27 as combined therein. Specifically, claim 27 has been amended to recite "a coupling enabling movement of the folding section relative to the fixed section, the first subset of keys being concealed from view when the folding section is in a closed position, and the folding section is substantially within a footprint of the electronic communications device when in the closed position, and wherein the fixed section remains substantially within the footprint of the electronic communications device during movement of the folding section."

Applicant directs the Examiner's attention to, for example, paragraph [0024] and FIGS. 1 and 2 of the current application where an example of this functionality is described and shown.

Applicants submit that no new matter has been added. Chung et al. fails to explicitly or implicitly teach, disclose, or suggest "a coupling enabling movement of the folding section relative to the fixed section, the first subset of keys being concealed from view when the folding section is in a closed position, and the folding section is substantially within a footprint of the electronic communications device when in the closed position, and wherein the fixed section remains substantially within the footprint of the electronic communications device during movement of the folding section" as included in the combination of elements of claim 27.

Accordingly, Applicant requests that the rejection of claim 27 under 35 U.S.C. § 102(e) as being anticipated by Chung et al. be withdrawn. Additionally, claims 28-30 depend from claim 27 and are thus patentable over Chung et al. for at least the same reasons as claim 27, and Applicant further requests that the rejection of these claims under 35 U.S.C. § 102(e) as being anticipated by Chung et al. be withdrawn as well.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

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The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 8/10/2005

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